DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/25/08 have been fully considered but they are not persuasive.

2. The applicant agreed to an examiner's amendment to place the claims in allowable form.

3. Claims 2-11 are cancelled.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert F. Bodi (Reg. No. 48540) on 7/1/08.

The claims are to be amended as follows:

Claim 1 should be amended to recite:

An apparatus for fitting a hearing device which is worn by an individual, said apparatus comprising:

a data entry device;

a computing device connected on an input side with a connection for connecting to said data entry device and on an output side with a connection for a hearing device adjusting input,

an audio storage medium play-back unit storing a plurality of audio tracks <u>with audio test signals</u> and having a control input connected to another output

of said computing device and having an audio output connectable to a loud speaker unit input, and

a storage device for storing a plurality of individual assessment data and ~~previously experienced audio track data~~ audio test signals experienced by the individual, wherein

said individual assessment data is entered into said data entry device based on perceptions of said individual wearing said hearing device and listening to one of said audio tracks, ~~with~~ said individual assessment data and said audio test signals experienced by the individual being stored in said storage device, and further wherein

said computing device computes a control signal based on said stored plurality of individual assessment data and said stored audio test signals experienced by the individual ~~previously experienced audio track data~~, wherein said control signal is applied to said other output of said computer device, and said control signal is used for automatically selecting another one of said audio tracks.

Claim 20 should be amended to recite:

A hearing device fitting arrangement comprising:

an audio storage medium playback unit including:

an audio storage medium having a plurality of storage segments each for storing audio test signals representing common daily experiences;

a control input having a selection input for selecting any of said plurality of storage segments; and

an audio output;

a loudspeaker operationally connectable to said audio output of said playback unit;

a storage device for storing a plurality of assessment data and audio test signals experienced by the individual ~~previously experienced audio track data~~; and

a computing unit including:

a data input for data entry by an individual carrying said hearing device to be fitted, said data input for said individual to input said assessment data for assessing said hearing device during playback of one of said storage segments for storing in said storage device,

a hearing device output for operationally connecting to the hearing device, and

an audio control output for operationally connecting to said control input of said audio storage medium playback unit;

wherein said computing unit is adapted to compute a control signal for said audio control output in dependency upon said stored plurality of assessment data and said stored audio test signals experienced by the individual ~~previously experienced audio track data~~, thereby automatically selecting another one of the plurality of storage segments.

Claim 22 should be amended to recite:

A hearing device fitting device comprising:

an audio storage medium playback unit including:

a control input having a selection input for selecting one of a plurality of storage segments on an audio storage medium, wherein said storage segments each include audio signals representing common daily experiences; and

an audio output;

a loudspeaker operationally connectable to said audio output of said playback unit;

a storage device for storing a plurality of assessment data and audio test signals experienced by the individual ~~previously experienced audio track data~~; and

a computing unit including:

a data input for data entry of said assessment data by an individual carrying a hearing device to be fitted for storing in said storage device,

a hearing device output for operationally connecting to the hearing device for programming said hearing device, and

a audio control output for operationally connecting to said control input of said audio storage medium playback unit;

wherein said computing unit computes a control signal to said audio control output in dependency upon said stored plurality of assessment data and said stored audio test signals experienced by the individual ~~previously experienced audio track data~~ for automatically selecting one of said plurality of storage segments depending on signals applied to said data input.

Claims 23-28: CANCEL.

Claims 12-17,19, lines 1-2: Replace " The hearing device fitting device according to claim 1 " with - - The apparatus for fitting a hearing device according to claim 1 - - .

Claims 18, lines 1-2: Replace " The hearing device fitting device according to claim 17 " with - - The apparatus for fitting a hearing device according to claim 17 - - .

Claim 16, lines 9,12,13,16,19 and 21: after "computing", delete "unit" and insert - - device - - .

Claim 17, line 2: after "computing", delete "unit" and insert - - device - - .

Claim 18, line 7: after "computing", delete "unit" and insert - - device - - .

Claim 19, line 7: after "computing", delete "unit" and insert - - device - - .

5. Claims 1,12-22 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding claims 1,20 and 22, prior art Moser et al. (WO 85/00509) discloses an apparatus for fitting a hearing device fitting device (Figure 1, Figure 16) comprising: a data entry device (human interfaces 68 and 70 Figure 1; 370 Figure 16);a computing device (308, Figure 16), (connected on an input side with a connection for connecting to said data entry device (human interfaces 68 and 70 Figure 1; 370 Figure 16) and further comprising an audio storage medium play-back unit storing a plurality of audio tracks (Moser teaches that the CD stores digital test signals ; page 14, lines 23-25; track is defined as a distinct selection of music from a recording or a compact disc) and having a control input connected to another output of said computing device output (Figure 16) and having an audio output connectable to a loudspeaker unit input (310, Figure 16) (pages 28, line 27-page 30) . wherein said computing device selects another one of said audio tracks including audio signals (Moser teaches that the test signals stored as on the CD 304 may be reproduced upon selection by the common unit (370); page 30 ,lines 18-11;page 19, lin3 21-page 20, line 5).a control signal at said output depending on data input to said connection for data entry (page 29, lines 23-30).

Prior art Engebreston et al. (US 4,548,082) discloses a computing device having an output side with a connection for a hearing device (Figure 1; output side connected to hearing aid worn by patient) , of assessment data entered into said data entry device based on perceptions of said individual wearing said hearing device and listening to said audio tracks with said assessment data being stored in said storage device and of computing a control signal based on said assessment data, wherein said control signal is applied to said other output of said computing device (column 7, lines 10-20; Engebreston teaches that a repertoire of sound are stored on the disc including tones and that the patient can communicate his response to the data using the IRU and this reads on storing previously experienced audio track data).

Prior art Delisle et al. (US 3,809,811).discloses a system for automatically an audiometric test wherein, based on the user's response (control signal) , the apparatus will continue the test utilizing a different amplitude level for the same tone frequency or continue the test using a different tone frequency (abstract).

Regarding claim 1, the prior art or combination thereof fails to disclose or make obvious said computing device computes a control signal based on said stored plurality of individual assessment data and said stored audio test signals, wherein said control signal is applied to said other output of said computer device, and said control signal is used for automatically selecting another one of said audio tracks.

Regarding claim 20, the prior art or combination thereof fails to disclose or make obvious wherein said computing unit is adapted to compute a control signal for said

audio control output in dependency upon said stored plurality of assessment data and said stored audio test signals experienced by the individual, thereby automatically selecting another one of the plurality of storage segments.

Regarding claim 22, the prior art or combination thereof fails to disclose or make obvious wherein said computing unit computes a control signal to said audio control output in dependency upon said stored plurality of assessment data and said stored audio test signals experienced by the individual for automatically selecting one of said plurality of storage segments depending on signals applied to said data input.

Therefore the prior art or combination thereof fails to disclose or make obvious an apparatus for fitting a hearing device, a hearing device fitting arrangement and a hearing device fitting device as claimed.

Claims 12-19,21 and allowed due to dependence on claims 1 and 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVONA E. FAULK whose telephone number is (571)272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615